

United States
Circuit Court of Appeals
For the Ninth Circuit.

THE UNITED STATES OF AMERICA,
Plaintiff in Error,

vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS, Hus-
band and Wife,
Defendants in Error.

Transcript of Record.

Upon Writ of Error to the United States District
Court of the Western District of Wash-
ington, Northern Division.

FILED
JUL 30 1927
F. D. MONKTON,
CLERK

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THE UNITED STATES OF AMERICA,
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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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Names and Addresses of Counsel.

ROBERT C. SAUNDERS, Esq., United States
District Attorney, Attorney for Plaintiff in
Error,

310 Federal Building, Seattle, Washington.

F. C. REAGAN, Esq., Assistant United States Dis-
trict Attorney, Attorney for Plaintiff in Error,

310 Federal Building, Seattle, Washington.

JAMES P. WETER, Esq., Attorney for Defend-
ants in Error,

1012 Lowman Building, Seattle, Washing-
ton.

FRED M. ROBERTS, Esq., Attorney for Defend-
ants in Error,

1012 Lowman Building, Seattle, Washing-
ton. [1*]

United States District Court, Western District of
Washington, Northern Division.

No. 5725.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

J. J. MATTHEWS and MAUDE K. MA-
TTHEWS, Husband and Wife.

Defendants.

*Page-number appearing at foot of page of original certified Transcript
of Record.

Complaint.

Comes now Robert C. Saunders, United States District Attorney for the Western District of Washington, who prosecutes this cause for and in the name of the United States and under the authority and direction of the Attorney General, and for cause of complaint against the defendants alleges:

I.

That at all the times hereinafter mentioned the defendants, J. J. Matthews and Maude K. Matthews, were, and they are now, husband and wife, and that they reside at Seattle, in King County, Washington, and within the jurisdiction of this court.

II.

That at all the times hereinafter mentioned the said J. J. Matthews was engaged in business under the name and style of "J. J. Matthews & Co.," and that the business of the said defendant consisted, among other things, of dealing in timber products; that the said business so conducted by the said defendant J. J. Matthews constituted a community business, enterprise, occupation, and undertaking of the said J. J. Matthews and his said wife, Maude K. Matthews, and that all the profits inured to the said marital community of the said [2] defendant, and that all the obligations incurred in and arising from said business were, and are, community obligations of the said defendants.

III.

That heretofore, to wit, on or about the 27th day of November, 1918, at Seattle aforesaid, the plaintiff, by and through its agent or governmental department, the Emergency Fleet Corporation, paid to the said defendant J. J. Matthews, doing business, as aforesaid, under the name and style of J. J. Matthews & Co., the sum of Twenty-five Hundred Eight Dollars and Seventy-eight Cents (\$2,508.78), which said payment was made through error and mistake, and was without valuable or any consideration therefor.

IV.

That the plaintiff has often demanded of the said defendants the return and reimbursement to the plaintiff of the said sum of money so erroneously paid as aforesaid, to wit, the sum of Twenty-five Hundred Eight Dollars and Seventy-eight Cents (\$2,508.78), but that the said defendants have wholly failed and refused to pay the said sum of money or any part thereof.

WHEREFORE, plaintiff demands judgment against the said defendants and each of them, and against the marital community composed of said defendants, for the sum of Twenty-five Hundred Eight Dollars and Seventy-eight Cents (\$2,508.78), together with interest thereon at the rate of six per centum (6%) per annum from November 27, 1918, and together with its costs and disbursements.

ROBT. C. SAUNDERS,

United States Attorney,

R. E. CAPERS,

Assistant United States Attorney. [3]

United States of America,
Western District of Washington,
Northern Division,—ss.

R. E. Capers, being first duly sworn, on his oath deposes and says: That he is Assistant United States Attorney for the Western District of Washington, and as such is the attorney in charge of the prosecution in the foregoing motion; that he has read the above complaint, knows the contents thereof, and that the statements therein contained are true, as he verily believes.

R. E. CAPERS.

Subscribed and sworn to before me this 9th day of December, A. D. 1920.

[Seal] F. M. HARSHBERGER,
Clerk U. S. Dist. Court, Western Dist. of Wash-
ington.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. Dec. 9, 1920. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [4]

United States District Court, Western District of
Washington, Northern Division.

No. 5725.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS, Husband and Wife.

Defendants.

Demurrer.

Comes now the defendant in the above-entitled action and demurs to the complaint of plaintiff upon the following grounds:

First: That there is a defect in parties plaintiff.

Second: That said action was not commenced within the time limited by law.

Third: That same does not state facts sufficient to constitute a cause of action.

WETER & ROBERTS and

WM. G. LONG,

Attorneys for Defendants.

Received a copy of the within Demurrer this
10th day of February, 1920.

ROBT. C. SAUNDERS,

Attorney for Plaintiff.

By E. D. DUTTON.

[Endorsed]: Filed in the United States District
Court, Western District of Washington, Northern

Division. Feb. 10, 1921. F. M. Harshberger,
Clerk. By S. E. Leitch, Deputy. [5]

In the District Court of the United States, Western
District of Washington, Northern Division.

No. 5725.

UNITED STATES OF AMERICA,
Plaintiff,

vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS, Husband and Wife.
Defendants.

Memorandum Decision.

Filed March 14, 1921.

Hon. ROBT. C. SAUNDERS, U. S. Attorney,
Hon. R. E. CAPERS, Asst. U. S. Attorney,
for Plaintiff.

WETER & ROBERTS, WM. G. LONG, for Defendants.

CUSHMAN, District Judge.

The complaint alleges that the defendants, husband and wife, were engaged as a firm in a community business, dealing in timber products; that the plaintiff, the United States, through its agent, the Emergency Fleet Corporation, through error and mistake, paid certain money to such firm.

The Shipping Board Act of September 7, 1916, created a Board of five commissioners, to be ap-

pointed by the President, by and with the consent of the Senate. This Act (by section 8146-f (U. S. Comp. Stat. Ann.), provided that the Board, in its judgment, might form, under the laws of the District of Columbia, one or more corporations for acquiring and operating merchant vessels. The Board was authorized by the Act to subscribe for the [6] stock of such corporations. The Emergency Fleet Corporation was organized by the Board under this Act and the laws of the District of Columbia and it subscribed for the entire stock of the corporation.

The incorporation act of the District of Columbia provides that, when the certificate of incorporation is filed, the persons signing and acknowledging the certificate shall, by the name in the certificate, be capable of suing and being sued in courts of law and equity.

Defendants demur to the complaint upon the grounds:

1. That there is a defect in parties plaintiff.
2. That said action was not commenced within the time limited by law.
3. That same does not state facts sufficient to constitute a cause of action.

From the terms of the Shipping Board Act and the incorporation act of the District of Columbia, I am of the opinion that an intention is shown on the part of Congress that suits by the Emergency Fleet Corporation should be brought in its own name; that the discretion or authority to prosecute suits otherwise does not reside elsewhere. It

is not true that attributes of sovereignty inhering in Government establishments are lost, unless the suits are prosecuted in the name of the sovereign.

Ballaine v. Alaska Northern Ry. Co., 259 Fed.
183.

Demurrer sustained on the first ground. No ruling on the other grounds.

[Indorsed]: Filed in the United States District Court, Western District of Washington. Northern Division. Mar. 14, 1921. F. M. Harsberger, Clerk. By S. E. Leitch, Deputy. [7]

United States District Court, Western District of
Washington, Northern Division.

No. 5725.

UNITED STATES OF AMERICA,
Plaintiff,

vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS,
Husband and Wife,

Defendants.

Petition for Reargument.

Comes now the plaintiff and respectfully petitions this Court for a reargument and a reconsideration of defendant's demurrer, for the reason and upon the ground that the Court in its memorandum decision, filed March 14th, 1921, sustaining defendants' demurrer, based its decision on the Shipping Act of 1916 (Sec. 8146-f, U. S. Comp.

Stat. Ann.), while the Merchant Marine Act 1920, an act of Congress passed June 5, 1920, repealed the Act creating the Emergency Fleet Corporation, and assigned all the contracts, agreements, rights, interests, and remedies of the Emergency Fleet Corporation to the United States Shipping Board, which is a United States Government administrative body.

ROBERT C. SAUNDERS,
United States Attorney,
F. C. REAGAN,
Assistant United States Attorney,
Attorneys for Plaintiff.

Service with a copy of the within reply acknowledged this 7th day of April, 1921.

WETER & ROBERTS.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. Apr. 7, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [8]

United States District Court, Western District of
Washington, Northern Division.

No. 5725.

UNITED STATES OF AMERICA,
Plaintiff,

vs.

J. J. MATTHEWS, et ux.,
Defendants,

Journal Order Denying Petition for Rehearing.

Now on this 18th day of April, 1921, this cause comes on for rehearing. Petition is denied and exception is allowed.

Journal #9, page 184. [9]

United States District Court, Western District of
Washington, Northern Division.

No. 5725.

UNITED STATES OF AMERICA,
Plaintiff,

vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS,
Husband and Wife,
Defendants.

Judgment.

BE IT REMEMBERED that this matter came on heretofore and on the 7th day of March, 1921, duly and regularly for hearing upon the demurrer of the defendants to the complaint of the plaintiff, the plaintiff appearing by F. C. Reagan, Assistant United States Attorney, and the defendants by their attorneys, Weter & Roberts, and the matter being duly presented to the court by the attorneys for the respective parties, and the Court having considered said demurrer and finding that there was a defect in parties plaintiff and that said demurrer was well taken and should be sustained, directs that the demurrer so filed by the defendants to the complaint of the plaintiff be sustained.

And the plaintiff subsequent thereto having filed its petition for reargument and said petition having heretofore come on for hearing on the 18th day of April, 1921, duly and regularly for hearing, and the Court having considered said petition denied the same.

And the plaintiff subsequent thereto having failed to amend its complaint or to present any further, other or additional applications for a reconsideration of the order so made by the [10] court sustaining said demurrer, and the plaintiff electing to stand upon its complaint, and refusing to plead further,—

NOW, THEN, upon motion of the defendants for judgment, it is by the Court ORDERED, ADJUDGED, AND DECREED that the plaintiff take nothing by reason of its alleged cause of action herein as against the defendants, and that this action as against the defendants be and it is hereby dismissed, and that the defendants go hence without day and have and recover of and from the plaintiff its cost and disbursements herein to be taxed; to all of which the plaintiff has excepted and an exception is allowed.

Done in open court this 17th day of May, 1921.

EDWARD E. CUSHMAN,

Judge.

O. K.—WETER & ROBERTS,

Attys. for Def.

F. C. REAGAN,

Asst. U. S. Atty.,

Atty. for Pltff.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. May 17, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [11]

United States District Court, Western District of
Washington, Northern Division.

No. 5725.

UNITED STATES OF AMERICA,
Plaintiff,

vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS,
Husband and Wife,

Defendants.

Petition for Writ of Error.

Comes now the United States of America, plaintiff in the above-entitled cause, and feeling aggrieved by the final judgment herein entered on May 17, 1921, petitions this Court for an order allowing it to prosecute a writ of error to the United States Circuit Court of Appeals for the Ninth Circuit, and according to the laws of the United States in that behalf made and provided, there to correct certain errors committed to the prejudice of the said plaintiff, which more in detail appear from the assignment of errors filed with this petition, and prays that a writ of error issue out of said Court of Appeals, for the correction of the error so complained of, and that the transcript

of the record and proceedings and papers in this cause, duly authenticated, may be sent to said Court of Appeals.

ROBERT C. SAUNDERS,
United States Attorney,
F. C. REAGAN,
Assistant United States Attorney,
Attorneys for Plaintiff.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. May 17, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [12]

United States District Court, Western District of
Washington, Northern Division.

No. 5725.

UNITED STATES OF AMERICA,
Plaintiff,
vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS,
Husband and Wife,
Defendants,

Assignment of Errors.

Comes now the plaintiff, United States of America, by and through Robert C. Saunders, United States District Attorney, and files the following assignment of errors upon which he will rely upon his appeal from the judgment made by this Honor-

able Court on the 17th day of May, 1921, in the above-entitled cause:

I.

That the United States District Court for the Western District of Washington, Northern Division, erred in sustaining the demurrer of the defendants to the complaint of the plaintiff herein.

II.

The said District Court erred in dismissing said action.

ROBERT C. SAUNDERS,
United States Attorney,
F. C. REAGAN,
Assistant United States Attorney,
Attorneys for the Plaintiff.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. May 17, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [13]

United States District Court, Western District of
Washington, Northern Division.

No. 5725.

UNITED STATES OF AMERICA,
Plaintiff,

vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS,
Husband and Wife,
Defendants.

Order Allowing Writ of Error.

Comes the plaintiff, United States of America, by its attorneys, and files herein and presents to the Court its petition praying for the allowance of a writ of error on assignment of error intended to be urged, and praying also that a transcript of record and proceedings, upon which the judgment herein was rendered, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Circuit, and that such other and further proceedings be had as may be proper in the premises. Now, on consideration thereof, the Court does hereby allow the Writ of Error prayed for.

Dated this 17th day of May, 1921.

EDWARD E. CUSHMAN,
United States District Judge.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. May 17, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [14]

United States District Court, Western District of
Washington, Northern Division.

No. 5725.

UNITED STATES OF AMERICA,
Plaintiff,

vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS,
Husband and Wife,

Defendants. -

**Admission of Service of Petition for Writ of
Error, etc.**

Due, timely and regular service, together with the receipt of copies thereof, of the plaintiff's petition for writ of error, of order allowing writ of error, and praecipe for transcript of record is hereby admitted this 17th day of May, 1921.

WETER & ROBERTS,
Attorneys for the Defendants.

Received a copy of the within this 17th day of May, 1921.

WETER & ROBERTS,
Attorneys for the Defendants.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. May 17, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [15]

United States District Court, Western District of
Washington, Northern Division.

No. 5725.

UNITED STATES OF AMERICA,
Plaintiff,

vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS,
Husband and Wife,
Defendants,

Praeceptum for Transcript of Record.

To the Clerk of the Above-entitled Court:

You will please prepare a typewritten transcript of record in the above-entitled cause on writ of error, and file the same in the United States Circuit Court of Appeals for the Ninth Circuit, said record to comprise the following papers:

1. Complaint.
2. Demurrer.
3. Memorandum decision.
4. Petition for reargument.
5. Clerk's entry denying petition for reargument.
6. Judgment.
7. Petition for writ of error.
8. Assignment of errors.
9. Order allowing writ of error.
10. Admission of service.
11. This praecipe.

ROBERT C. SAUNDERS,
United States Attorney,
F. C. REAGAN,
Assistant United States Attorney,
Attorneys for Plaintiff. [16]

We waive the provisions of the Act approved February 13, 1911, and direct that you forward typewritten transcript to the Circuit Court of Appeals for printing, as provided under rule 105 of this Court.

ROBERT C. SAUNDERS,
United States Attorney,
F. C. REAGAN,
Assistant United States Attorney,
Attorneys for Plaintiff.

We hereby acknowledge service of copy of the foregoing praecipe, waive the right to request the insertion of any other matters than those incorporated in the foregoing praecipe, and stipulate that the proceedings, papers, orders and documents included in said praecipe constitute a full and sufficient record upon writ of error.

WETER & ROBERTS,
Attorneys for Defendants.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. May 17, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [17]

United States District Court, Western District of
Washington, Northern Division.

No. 5725.

UNITED STATES OF AMERICA,
Plaintiff,

vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS,
Husband and Wife,

Defendants.

Certificate of Clerk U. S. District Court to Transcript of Record.

United States of America,
Western District of Washington,—ss.

I, F. M. Harshberger, Clerk of the United States District Court for the Western District of Wash-

ington, do hereby certify this typewritten transcript of record consisting of pages numbered from 1 to 17, inclusive, to be a full, true, correct and complete copy of so much of the record, papers, and other proceedings in the above and foregoing entitled cause, as is required by praecipe of counsel filed and shown herein, as the same remain of record and on file in the office of the Clerk of said District Court, and that the same constitute the record on return to writ of error herein, from the judgment of said United States District Court for the Western District of Washington to the United States Circuit Court of Appeals for the Ninth Circuit.

I further certify the following to be a full, true and correct statement of all expenses and costs incurred in my office on behalf of the appellant for making record, certificate or return to the United States Circuit Court of Appeals for the Ninth Circuit in the above-entitled cause, to wit:

Clerk's fees (Sec. 828, R. S. U. S.) for making
 record, certificate or return, 34 folios
 at 15¢..... \$5.10

[18]

Certificate of Clerk to transcript of record,
 4 folios at 15¢..... .60
 Seal to said certificate..... .20

I hereby certify that the above cost for preparing and certifying record, amounting to \$5.90, will be included in my quarterly account to the Government of fees and emoluments for the quarter ending June 30th, 1921.

I further certify that I hereto attach and herewith transmit the original citation, and original

writ of error issued in this cause, together with acceptance of service thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said District Court at Seattle, in said District, this 31st day of May, A. D. 1921.

[Seal] F. M. HARSHBERGER,
Clerk of United States District Court, Western
District of Washington. [19]

[Endorsed]: No. 3697. United States Circuit Court of Appeals for the Ninth Circuit. The United States of America, Plaintiff in Error, vs. J. J. Matthews and Maude K. Matthews, Husband and Wife, Defendants in Error. Transcript of Record. Upon Writ of Error to the United States District Court of the Western District of Washington, Northern Division.

Filed June 3, 1921.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Paul P. O'Brien,
Deputy Clerk.

In the United States Circuit Court of Appeals for
the Ninth Circuit.

No. —.

UNITED STATES OF AMERICA,
Plaintiff in Error,
vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS,
Husband and Wife,
Defendants in Error.

Writ of Error (Original).

The United States of America,—ss.

The President of the United States of America, to
the Honorable Judges of the District Court of
the United States for the Western District of
Washington, Northern Division, GREETING:

Because in the record and proceedings, as also
in the rendition of the judgment of a plea which is
in said District Court, before the Honorable Ed-
ward E. Cushman, between United States of
America, the plaintiff in error, and J. J. Matthews
and Maude K. Matthews, husband and wife, the
defendants in error, a manifest error hath happened
to the prejudice and great damage of United States
of America, plaintiff in error, as by his complaint
and petition herein appears, and we being willing
that error, if any hath been, should be duly cor-
rected, and full and speedy justice done to the
party aforesaid in this behalf, DO COMMAND
YOU, if judgment be therein given, that under your
seal, distinctly and openly, you send the record and

proceedings with all things concerning the same, to the United States Circuit Court of Appeals for the Ninth Circuit, at the City of San Francisco, State of California, together with this writ, so that you have the same at said City of San Francisco within thirty days from the date hereof, in said Circuit Court of Appeals to be then and there held, that the record and proceedings aforesaid being then and there inspected, said United States Circuit Court of Appeals may cause further to be done therein to correct the error what of right, and according to the laws and customs of the United States of America should be done in the premises.

WITNESS the Honorable EDWARD DOUGLAS WHITE, Chief Justice of the United States, this 18th day of May, 1921, and the year of the Independence of the United States, one hundred and forty-fourth.

[Seal] F. M. HARSHBERGER,
Clerk of the District Court of the United States for
the Western District of Washington, Northern
Division.

Acceptance of service of within writ of error
acknowledged this — day of May, 1921.

Attorneys for Defendants in Error.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. May 18, 1921. F. M. Harshberger, Clerk. By F. L. Crosby, Jr., Deputy.

No. 3697. In the United States Circuit Court of Appeals for the Ninth Circuit. United States of America, Plaintiff in Error, vs. J. J. Matthews and Maude K. Matthews, Husband and Wife, Defendants in Error. Writ of Error. Filed Jun. 3, 1921. F. D. Monckton, Clerk.

In the United States Circuit Court of Appeals for
the Ninth Circuit.

No. —.

UNITED STATES OF AMERICA,
Plaintiff in Error,
vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS,
Husband and Wife,
Defendants in Error.

Citation on Writ of Error (Original).

The United States of America,—ss.

The President of the United States of America, to
Weters & Roberts, Attorneys for Defendants
in Error, GREETING:

You are hereby cited and admonished to be and appear before the United States Circuit Court of Appeals for the Ninth Circuit at San Francisco, in the State of California, within thirty days from the date hereof, pursuant to a writ of error filed in the clerk's office of the District Court of the United States for the Western District of Washington, Northern Division, wherein the United States of America is plaintiff in error, and J. J. Matthews

and Maude K. Matthews, husband and wife, are defendants in error, to show cause, if any there be, why judgment in the said writ of error mentioned should not be corrected and speedy justice should not be done to the party in that behalf.

WITNESS, the Honorable EDWARD E. CUSHMAN, Judge of the District Court of the United States for the Western District of Washington, Northern Division, this 18th day of May, 1921.

EDWARD E. CUSHMAN,
United States District Judge.

[Seal] Attest: F. M. HARSHBERGER,
Clerk of the District Court of the United States,
for the Western District of Washington,
Northern Division.

Acceptance of service of within Citation on Writ of Error acknowledged this ——— day of May, 1921.

Attorneys for Defendants in Error.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. May 18, 1921. F. M. Harshberger, Clerk. By F. L. Crosby, Jr., Deputy.

No. 3697. In the United States Circuit Court of Appeals for the Ninth Circuit. United States of America, Plaintiff in Error, vs. J. J. Matthews and Maude K. Matthews, Husband and Wife, Defendants in Error. Citation on Writ of Error. Filed Jun. 3, 1921. F. D. Monckton, Clerk.

In the United States Circuit Court of Appeals for
the Ninth Circuit.

No. —.

UNITED STATES OF AMERICA,
Plaintiff in Error,
vs.

J. J. MATTHEWS and MAUDE K. MATTHEWS,
Husband and Wife,
Defendants in Error.

Acceptance of Service.

Due and timely service of Writ of Error and Citation on Writ of Error in the above-entitled cause is hereby acknowledged this 23d day of May, 1921.

WETER & ROBERTS,
Attorneys for Defendants in Error.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. May 23, 1921. F. M. Harshberger, Clerk. By F. L. Crosby, Jr., Deputy.

No. 3697. United States Circuit Court of Appeals for the Ninth Circuit. Filed Jun. 3, 1921. F. D. Monckton, Clerk.

